

**U.S. District Court**  
**District of Maryland (Baltimore)**  
**CRIMINAL DOCKET FOR CASE #: 1:11-mj-04288-PWG All Defendants**  
**\*SEALED\***  
***Internal Use Only***

Case title: USA v. Foster

Date Filed: 10/04/2011

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Assigned to: Magistrate Judge  
Paul W. Grimm

**Defendant (1)**

**Oneil Jerome Foster**

*also known as*  
Harvey Garvey  
*also known as*  
Henry Ortiz

represented by **Andrew C White**

Silverman Thompson Slutkin and White LLC  
201 N Charles St Ste 2600  
Baltimore, MD 21201  
14103852225  
Fax: 14105472432  
Email: [awhite@mdattorney.com](mailto:awhite@mdattorney.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

**Peter D Ward**

Law Office of Peter D Ward  
300 Allegheny Ave Ste 105  
Baltimore, MD 21204  
14104948988  
Fax: 14104948988  
Email: [Peter.D.Ward@Verizon.net](mailto:Peter.D.Ward@Verizon.net)  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level**  
**(Terminated)**

None

**Complaints****Disposition**

21:846=MD.M – Conspiracy to  
Distribute Marijuana

**Plaintiff**

**USA**

represented by **Constantine Peter Lizas**  
Office of the United States Attorney  
36 S Charles St Fourth Fl  
Baltimore, MD 21201  
14102094989  
Fax: 14109629293  
Email: [constantine.lizas2@usdoj.gov](mailto:constantine.lizas2@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Page	Docket Text
10/04/2011	<u>1</u>	5	MOTION to Seal Affidavit in Support of a Criminal Complaintby USA as to Oneil Jerome Foster. (stds, Deputy Clerk) (Entered: 10/06/2011)
10/04/2011	2	9	ORDER granting <u>1</u> Motion to Seal Affidavit in Support of a Criminal Complaint as to Oneil Jerome Foster (1). Signed by Magistrate Judge Paul W. Grimm on 10/4/2011. (stds, Deputy Clerk) [For #2, see #1] (Entered: 10/06/2011)
10/04/2011	<u>3</u>	10	SEALED COMPLAINT as to Oneil Jerome Foster (1). (stds, Deputy Clerk) (Entered: 10/06/2011)
10/04/2011	<u>4</u>	32	Arrest Warrant Issued by Magistrate Judge Paul W. Grimm in case as to Oneil Jerome Foster. (stds, Deputy Clerk) (Entered: 10/06/2011)
02/14/2012	<u>10</u>	39	Rule 5(c)(3) Documents Received as to Oneil Jerome Foster (Attachments: # <u>1</u> Documents)(stds, Deputy Clerk) (Entered: 02/29/2012)
02/21/2012	<u>9</u>	38	Sealed Document. (stds, Deputy Clerk) (Entered: 02/28/2012)
02/21/2012	<u>15</u>	55	Arrest Warrant Returned Executed on 2/21/2012 in case as to Oneil Jerome Foster (stds, Deputy Clerk) (Entered: 03/26/2012)
02/22/2012	<u>5</u>	34	Initial Appearance as to Oneil Jerome Foster (Defendant informed of Rights.) held on 2/22/2012 before Magistrate Judge Paul W. Grimm. (FTR Gold) (stds, Deputy Clerk) (Entered: 02/22/2012)
02/22/2012	<u>6</u>	35	CJA 23 Financial Affidavit by Oneil Jerome Foster (stds, Deputy Clerk) (Entered: 02/22/2012)
02/22/2012	<u>7</u>	36	ORDER OF DETENTION BY AGREEMENT as to Oneil Jerome Foster. Signed by Magistrate Judge Paul W. Grimm on 2/22/2012. (stds, Deputy Clerk) (Entered: 02/22/2012)
02/22/2012	<u>8</u>	37	NOTICE OF ATTORNEY APPEARANCE: Peter D Ward, Esq. appearing for Oneil Jerome Foster. (stds, Deputy Clerk) (Entered: 02/22/2012)

02/29/2012	<u>11</u>	49	CONSENT MOTION to Continue Preliminary hearingby USA as to Oneil Jerome Foster. (stds, Deputy Clerk) (Entered: 02/29/2012)
02/29/2012	<u>12</u>	51	ORDER granting <u>11</u> Consent Motion to Continue Preliminary hearing as to Oneil Jerome Foster (1). Signed by Magistrate Judge Paul W. Grimm on 2/28/2012. (stds, Deputy Clerk) (Entered: 02/29/2012)
03/15/2012	<u>14</u>	54	ORDER granting <u>13</u> Motion to Continue as to Oneil Jerome Foster (1). Signed by Magistrate Judge Paul W. Grimm on 3/15/2012. (stds, Deputy Clerk) (Entered: 03/21/2012)
03/16/2012	<u>13</u>	52	CONSENT MOTION to Continue Preliminary hearingby USA as to Oneil Jerome Foster. (stds, Deputy Clerk) (Entered: 03/19/2012)
03/29/2012	<u>18</u>	59	CJA 20 as to Oneil Jerome Foster: Appointment of Attorney Andrew C White, Esq. for Oneil Jerome Foster. Approved by Magistrate Judge Paul W. Grimm on 3/29/2012. (stds, Deputy Clerk) (Entered: 04/24/2012)
04/04/2012	<u>16</u>	56	CONSENT MOTION to Continue Preliminary hearing by USA as to Oneil Jerome Foster. (stds, Deputy Clerk) (Entered: 04/05/2012)
04/04/2012	<u>17</u>	58	ORDER granting <u>16</u> Consent Motion to Continue Preliminary hearing as to Oneil Jerome Foster (1). Signed by Magistrate Judge Stephanie A Gallagher on 4/4/2012. (stds, Deputy Clerk) (Entered: 04/05/2012)
05/01/2012	<u>19</u>	60	CONSENT MOTION to Continue Preliminary Hearingby USA as to Oneil Jerome Foster. (stds, Deputy Clerk) (Entered: 05/01/2012)
05/01/2012	<u>20</u>	62	ORDER granting <u>19</u> Consent Motion to Continue Preliminary hearing as to Oneil Jerome Foster (1). Signed by Magistrate Judge Beth P. Gesner on 5/1/2012. (stds, Deputy Clerk) (Entered: 05/01/2012)
05/08/2012	<u>21</u>	63	MOTION to Seal by Oneil Jerome Foster. (Attachments: # <u>1</u> Text of Proposed Order)(stds, Deputy Clerk) (Entered: 05/17/2012)
05/08/2012	<u>22</u>	66	–SEALED– MOTION to Withdraw Appearance by Oneil Jerome Foster. (Attachments: # <u>1</u> Text of Proposed Order)(stds, Deputy Clerk) (Entered: 05/17/2012)
05/16/2012	<u>23</u>	69	ORDER granting <u>21</u> Motion to Seal as to Oneil Jerome Foster (1). Signed by Magistrate Judge Paul W. Grimm on 5/16/2012. (stds, Deputy Clerk) (Entered: 05/17/2012)
05/16/2012	<u>24</u>	70	ORDER granting <u>22</u> Motion to Withdraw Appearance as to Oneil Jerome Foster (1). Signed by Magistrate Judge Paul W. Grimm on 5/16/2012. (stds, Deputy Clerk) (Entered: 05/17/2012)
05/30/2012	<u>25</u>	71	CONSENT MOTION to Continue Preliminary hearing by USA as to Oneil Jerome Foster. (stds, Deputy Clerk) (Entered: 06/12/2012)
05/30/2012	<u>26</u>	73	ORDER granting <u>25</u> Consent Motion to Continue Preliminary hearing as to Oneil Jerome Foster (1). Signed by Magistrate Judge Beth P. Gesner on 5/30/2012. (stds, Deputy Clerk) (Entered: 06/12/2012)
06/28/2012	<u>27</u>	74	CONSENT MOTION to Continue Preliminary hearingby both parties and as to Oneil Jerome Foster. (stds, Deputy Clerk) (Entered: 07/06/2012)

06/28/2012	<u>28</u>	76	ORDER granting <u>27</u> Consent Motion to Continue Preliminary hearing as to Oneil Jerome Foster (1). Signed by Magistrate Judge Susan K. Gauvey on 6/28/2012. (stds, Deputy Clerk) (Entered: 07/06/2012)
07/26/2012	<u>29</u>	77	CONSENT MOTION to Continue Preliminary hearing by USA as to Oneil Jerome Foster. (stds, Deputy Clerk) (Entered: 08/01/2012)
07/26/2012	<u>30</u>	79	ORDER granting <u>29</u> Consent Motion to Continue Preliminary hearing as to Oneil Jerome Foster (1). Signed by Magistrate Judge Stephanie A Gallagher on 7/26/2012. (stds, Deputy Clerk) (Entered: 08/01/2012)



THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

IN THE MATTER OF THE ARREST )  
OF ONEIL JEROME FOSTER )  
A.K.A. HARVEY GARVEY )  
A.K.A. HENRY ORTIZ )

CASE NUMBER: \_\_\_\_\_

11 4288 PWG

MOTION TO SEAL AFFIDAVIT IN  
SUPPORT OF A CRIMINAL COMPLAINT

The United States of America, by its undersigned counsel,  
hereby respectfully requests that the affidavit in support of  
the criminal complaint for Oneil Jerome Foster, as well as this  
motion, be sealed and for cause states:

1. The affidavit mentions an unindicted co-conspirator  
named Paul Allen who is currently the target of a separate  
ongoing federal investigation into marijuana distribution.

2. Disclosure of the affidavit in support of the criminal  
complaint could potentially jeopardize the other investigation  
and prevent the successful arrest and prosecution of other  
individuals.

WHEREFORE, the government respectfully requests that the  
affidavit in support of the criminal complaint, as well as this  
motion, be sealed until further motion of this Court.

*Motion granted, the Court having  
granted the motion upon adopting the  
factual allegations as the findings of the  
Court, the affidavit, motion and related  
filings are SEAL(ED)*

*[Signature]*  
10/4/2011 USCA4

11-3838

*[Faint, illegible handwritten text, possibly a signature or notes]*



11 4288 PWG

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

By: Constantine Lizas  
Constantine Lizas  
Special Assistant U.S. Attorney  
36 South Charles Street  
Fourth Floor  
Baltimore, Maryland 21201



MIME-Version:1.0  
From:MDD\_CM-ECF\_Filing@mdd.uscourts.gov  
To:MDDdb\_ECF@mdd.uscourts.gov  
Bcc:  
--Case Participants:  
--Non Case Participants:  
--No Notice Sent:  
  
Message-Id:3415666@mdd.uscourts.gov  
Subject:Activity in Case 1:11-mj-04288-PWG \*SEALED\* USA v. Foster Order on Motion to Seal  
Case  
Content-Type: text/html

**U.S. District Court**

**District of Maryland**

**Notice of Electronic Filing**

The following transaction was entered on 10/6/2011 at 11:44 AM EDT and filed on 10/4/2011

**Case Name:** USA v. Foster  
**Case Number:** 1:11-mj-04288-PWG \*SEALED\*

**Filer:**

**Document Number:** 2(No document attached)

**Docket Text:**

**ORDER granting [1] Motion to Seal Affidavit in Support of a Criminal Complaint as to Oneil Jerome Foster (1). Signed by Magistrate Judge Paul W. Grimm on 10/4/2011. (stds, Deputy Clerk)**

**1:11-mj-04288-PWG \*SEALED\*-1 No electronic public notice will be sent because the case/entry is sealed.**



## UNITED STATES DISTRICT COURT

for the

District of Maryland

United States of America )

v. )

ONEIL JEROME FOSTER )

A/K/A HARVEY GARVEY )

A/K/A HENRY ORTIZ )

Defendant(s)

Case No.

11 4288 PWG

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 17, 2011 in the county of Anne Arundel in theDistrict of Maryland, the defendant(s) violated:

Code Section

21 U.S.C. § 846

Offense Description

Conspiracy to distribute marijuana

This criminal complaint is based on these facts:

See Attached Affidavit

X Continued on the attached sheet.

Sworn to before me and signed in my presence.

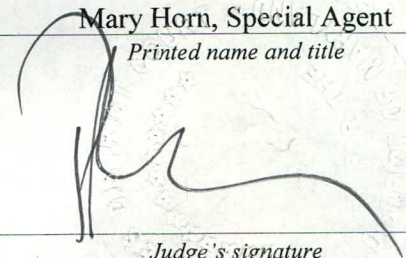
Date:

10/4/2011 @ 1515City and state: Baltimore, Maryland

Complainant's signature

Mary Horn, Special Agent

Printed name and title



Judge's signature

Paul W. Grimm, U.S. Magistrate Judge

Printed name and title

11-1586-PWG



07/26/24



AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Mary Horn, ("Your affiant") am a Special Agent of the United States Department of Homeland Security, Homeland Security Investigations (HSI), in Baltimore, Maryland being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent with HSI, including the former Immigration and Naturalization Service and Immigration and Customs Enforcement, since July 1999. I am currently assigned to the Office of the Special Agent in Charge, Baltimore, Maryland, specifically to the Baltimore Washington International Airport (BWI) Smuggling Group. I attended the Criminal Investigator Training Program at the Federal Law Enforcement Training Center as well as Immigration Officer Basic Training Program. I have also received training in narcotics investigations and money laundering investigations, including search and seizure laws, and statutes pertaining to enforcement of the Controlled Substance Act. I am also a Title 21 cross-designated officer, empowered by the Drug Enforcement Administration to conduct drug investigations.

2. During my tenure as a Special Agent (SA), I have participated in numerous investigations involving smuggling, narcotics, and other unlawful activities. These investigations have included the use of surveillance techniques, information analysis and the execution of search, seizure, and arrest warrants.





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I have written search warrants and assisted in the execution of numerous state and federal search warrants. I have arrested narcotics traffickers and assisted in the arrest of narcotics traffickers. I have personally conducted, supervised, and participated in investigations resulting in the seizure(s) of cocaine, marijuana, U.S. currency, firearms, and other controlled substances. Based on my training, education and experience, I have become familiar with the manner in which illegal drugs are transported, stored, and distributed, the methods of payment for such drugs, and the manner in which narcotics traffickers communicate with each other.

3. As a federal agent, your affiant is authorized to investigate violations of laws of the United States and is a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

4. This affidavit is submitted in support of an arrest warrant and a criminal complaint charging Oneil Jerome FOSTER (FOSTER), also known as Harvey Garvey and Henry Ortiz, with conspiracy to distribute marijuana in violation of 21 U.S.C. Section 846.

#### Facts and Circumstances

5. The statements in this affidavit are based in part on information provided by other law enforcement officers, and on my experience and background as a Special Agent. Since this affidavit





is being submitted for the limited purpose of supporting a criminal complaint and obtaining an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish that FOSTER participated in a conspiracy to distribute marijuana in violation of 21 U.S.C. Section 846. Foster has traveled under at least two aliases and has made at least 17 trips between Baltimore/Washington area airports and cities in the Southwestern United States. For the reasons set forth below, there is probable cause to believe that FOSTER made these trips in furtherance of a conspiracy to purchase marijuana in California and Arizona, transport the marijuana to the Baltimore area, sell the marijuana in the Baltimore area, and transport the proceeds back to California and Arizona.

#### Background of the Investigation

6. On March 17, 2011, FOSTER arrived at BWI to check-in with Delta Airlines for travel to Ontario, California. He checked in for these flights using the alias of Harvey Garvey. The first flight was Delta Airlines flight #1189 bound for Salt Lake City and the second flight was Delta Airlines flight #4755 from Salt Lake City to Ontario. At BWI, FOSTER checked one suitcase, a large brown Calvin Klein suitcase with wheels. FOSTER obtained a boarding pass and a receipt for the checked





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luggage. He proceeded through security, boarded the flight to Salt Lake City, and departed.

7. During the TSA X-ray screening of FOSTER's suitcase, TSA officers noticed a large bulk mass. Investigators from the Maryland Transportation Authority Police, HSI, and the Drug Enforcement Administration (DEA) conducted a search of FOSTER's suitcase and located two black packages wrapped in heat-sealed plastic, black plastic, and black duct tape. These two packages were hidden under the interior lining of the suitcase. Once the officers opened the packages, they detected a strong odor of marijuana. In addition, a K-9 positively alerted to the presence of a controlled dangerous substance after a scan of the bundles. Officers were able to determine that the bundles contained a large amount of bulk U.S. currency. The currency was separated in various denominations and the money was bundled with rubber bands. Officers counted \$240,220 in the two black packages recovered from FOSTER's checked suitcase. This suitcase did not make the trip to California.

8. DEA agents at BWI contacted DEA Task Force Officers in Los Angeles to meet FOSTER once he arrived at the Ontario, CA airport. DEA Task Force officers responded to the Ontario airport and met the arriving passengers on Delta Airlines flight #4755 from Salt Lake City in the baggage claim area where they





observed FOSTER. The DEA Task Force Officers observed FOSTER conducting what appeared to be surveillance of the baggage claim area and believed that this surveillance was consistent with FOSTER being a drug money courier. When FOSTER's luggage failed to arrive, he went to the Delta Airlines baggage office and made a claim for the missing suitcase.

9. Once FOSTER exited the Delta Airlines baggage office, the Task Force Officers approached him and asked him about his travel. FOSTER admitted to traveling from Baltimore on a one-way ticket and possessing approximately \$5,000 cash. He also stated that a friend purchased the ticket for him. DEA Task Force Officers questioned FOSTER but did not arrest him.

10. FOSTER, still using the name Harvey Garvey, provided an address to which the Government sent notice of the judicial forfeiture of the \$240,220. Neither FOSTER nor anyone else filed a claim, and the Court accordingly granted the Government's motion for default judgment. *See United States v. \$240,220.00*, WDQ-11-0911.

#### Foster's Arrest in Arizona

11. On September 13, 2011, members of the Tempe, AZ Police Department executed a search warrant at a residence at 8716 West Indianola Avenue, Phoenix, Arizona. At the residence police found approximately 600 pounds of marijuana. Police also





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arrested several individuals at the residence, including FOSTER. FOSTER had approximately \$41,000 in U.S. currency in a bag in his possession. This bag also contained FOSTER's driver's license with the name Henry Ortiz. During his arrest, FOSTER presented officers with an Arizona driver's license identifying himself as Henry Ortiz. Investigators did not discover that his real identity was FOSTER until his interview with an Immigration and Customs Enforcement (ICE) officer that occurred on September 22, 2011, as will be described below.

12. Police charged FOSTER in Arizona state court with possession with intent to distribute marijuana and held him on a \$50,000 bond. At the time of this affidavit, FOSTER has not posted a bond in the Arizona case. An Arizona grand jury indicted him on September 26, 2011 with possession with intent to distribute marijuana.

Foster's Interview with ICE

13. On September 22, 2011, ICE conducted an administrative interview of FOSTER to determine his immigration status. Prior to being interviewed, the ICE officer read FOSTER his Miranda rights and FOSTER waived those rights. During this interview he first indicated that he was Henry Ortiz, consistent with the Arizona driver's license he presented to Tempe police officers, and provided the names of





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Ortiz family members and other identifying information consistent with Henry Ortiz. While still pretending to be Henry Ortiz, he also admitted that he used the name Harvey Garvey. At the end of the interview, FOSTER recanted his story about being Henry Ortiz and indicated that he was actually Oneil Jerome FOSTER and admitted to being a Jamaican national. He indicated that he purchased the Henry G. Correa Ortiz (Henry Ortiz) Arizona driver's license from three Mexicans for \$2,500. He stated that they took him to an Arizona Department of Motor Vehicles office and arranged for him to be photographed as Henry Ortiz and procured the Arizona driver's license with his picture and Henry Ortiz's information. At the end of this interview he also stated that he purchased a Canadian passport in the name of Harvey Garvey for 5,000 Canadian dollars.

14. The Arizona driver's license that FOSTER obtained appears to have been issued on April 8, 2011. This date is noteworthy as FOSTER's purchase of the Henry Ortiz identity occurred approximately three weeks after the Los Angeles DEA Task Force Officers detained FOSTER at the Ontario, CA airport when he traveled under the name Harvey Garvey.

#### Foster's Travel Records

15. Your affiant served HSI administrative subpoenas on U.S. air lines to help determine the travel that FOSTER





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conducted using the aliases of Harvey Garvey and Henry Ortiz. Records from the airlines indicate that from November 27, 2009 to March 17, 2011, Harvey Garvey made at least 17 trips from Baltimore/Washington airports to the Southwestern United States. The records further indicate that 16 trips were to Los Angeles area airports and two trips were to Las Vegas.

16. Information obtained from U.S. Airways indicated that Henry Ortiz flew from Phoenix to Baltimore on April 9, 2011. It should be noted that this is the day after FOSTER purchased the Henry Ortiz driver's license in Phoenix, AZ. After this date, Henry Ortiz also flew from BWI to the Southwestern United States on May 5, 2011 and July 21, 2011. It should also be noted that the travel records for Harvey Garvey do not indicate any air travel in the name of Harvey Garvey after FOSTER, traveling as Harvey Garvey, encountered DEA Task Force Officers on March 17, 2011 in Ontario, CA.

17. Your affiant has learned that investigators at Washington National Airport are also investigating marijuana trafficking organizations that utilize couriers to transport bulk cash from this area to purchase marijuana in the Southwestern United States. That investigation has identified FOSTER, using the alias Henry Ortiz, as a target. That investigation also includes an individual named Paul Allen as





a target. The subpoenaed information from the airlines regarding travel records also revealed that FOSTER's U.S. Airways flight from Phoenix to Baltimore on April 9, 2011, using the alias Henry Ortiz, was purchased by a Paul Allen.

18. Based on your affiant's training and experience, your affiant knows that the marijuana sold in the Baltimore area is sourced from the Southwest including California and Arizona. Your affiant knows that distributors on the East Coast typically ship bulk cash and or use funneling accounts to transfer money from the East Coast to the Southwestern United States. The actual purchase of large quantities - in the hundreds of pounds - of marijuana typically occurs in either California or Arizona. After the purchase of marijuana, it is shipped to the East Coast by motor vehicle and/or express mail services like FedEx and the United States Postal Service.

#### Conclusion

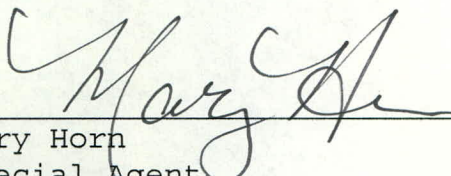
19. Based on the foregoing, your affiant respectfully submits there is probable cause to believe that FOSTER is participating in a conspiracy to distribute marijuana in violation of 21 U.S.C.



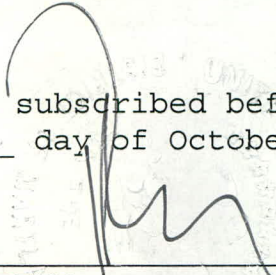


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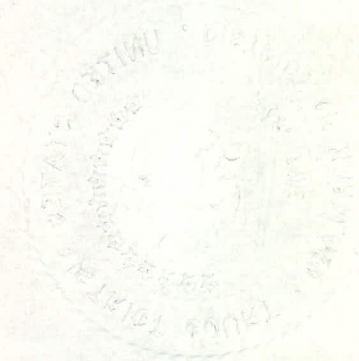
Section 846. Your affiant, therefore, respectfully requests that the attached arrest warrant and criminal complaint be signed.

  
\_\_\_\_\_  
Mary Horn  
Special Agent  
Homeland Security Investigations

Sworn and subscribed before me  
this \_\_\_\_\_ day of October, 2011.

  
\_\_\_\_\_  
PAUL W. GRIMM  
UNITED STATES MAGISTRATE JUDGE

10/4/2011





UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

WARRANT FOR ARREST

ONEIL JEROME FOSTER  
a/k/a HARVEY GARVEY  
a/k/a HENRY ORTIZ

CASE NUMBER: 11 4288 PWG

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED TO ARREST ONEIL JEROME FOSTER, A/K/A HARVEY GARVEY, A/K/A HENRY ORTIZ and bring her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

SEE ATTACHED AFFIDAVIT

In violation of Title 18 United States Code, Section 846.

Paul W. Grimm  
Name of Issuing Officer

United States Magistrate Judge  
Title of issuing Officer

Signature of Issuing Officer

10/4/11

Baltimore, Maryland

Date and Location

(By) Deputy Clerk

Bail Fixed at \$ \_\_\_\_\_ by Paul W. Grimm  
Name of Judicial Officer

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at _____		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		



## MAGISTRATE JUDGE CRIMINAL MINUTES

DATE: February 22, 2012 JUDGE: Paul W. Grimm COURTROOM: 7C

TIME: 2:17-2:28 INTERPRETER: \_\_\_\_\_

AUSA: Constantine Lizas DFDT ATTORNEY: Peter Ward

UNITED STATES OF AMERICA v. ONEIL JEROME FOSTER

CASE NO. 11-4288PWG NO. OF COUNTS: \_\_\_\_\_

DFDT'S AGE: \_\_\_\_\_ YEAR OF BIRTH: \_\_\_\_\_

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Initial Appearance   | <input type="checkbox"/> Defendant to Retain Counsel                             |
| <input type="checkbox"/> Arraignment                     | <input type="checkbox"/> Violation Notice  |
| <input type="checkbox"/> Rule 5(c)(3) Hearing            | <input type="checkbox"/> Indictment  |
| <input type="checkbox"/> Sentencing                      | <input type="checkbox"/> Superseding Indictment                                  |
| <input type="checkbox"/> Bail Review/Revocation Hearing  | <input type="checkbox"/> Information   |
| <input type="checkbox"/> Violation of Probation          | <input checked="" type="checkbox"/> Complaint                                    |
| <input type="checkbox"/> Violation of Supervised Release | <input checked="" type="checkbox"/> Preliminary Hearing: <u>3-7-12 @ 12:00pm</u> |
| <input type="checkbox"/> Detention Hearing               | <input type="checkbox"/> Preliminary Hearing WAIVED                              |

Defendant arraigned and plead "NOT GUILTY" as to Count(s) \_\_\_\_\_

- ☒ Defendant advised of rights to silence and counsel
- ☐ Defendant temporarily detained pending detention hearing on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ @ \_\_\_\_
- ☒ Defendant detained by agreement
- ☐ Defendant ordered detained after detention hearing
- ☒ FPD / CJA appointed as counsel
- ☐ Waiver of Rule 5(c)(3) Hearings
- ☐ Commitment To Another District
- ☐ Order Setting Conditions of Release w/conditions
- ☐ Medical Order for Treatment of Detainee entered
- ☐ Counsel advised to call or go to chambers for dates / given dates in court

Remarks \_\_\_\_\_

\_\_\_\_ Days for Motions. Motions to be filed by \_\_\_\_\_

- ☐ Trial -Bench/Jury \_\_\_\_\_ day(s) / week(s). Trial week of \_\_\_\_\_
- ☐ Pre -trial Officer \_\_\_\_\_
- ☐ Temporary Order of Detention to U.S. Marshal
- ☒ Minute entries docketed.

Deputy Clerk: S. Davis



CJA 23  
(Rev. 11/11)

# FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES ☐ DISTRICT COURT ☐ COURT OF APPEALS ☐ OTHER (Specify below)

IN THE CASE OF

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

Oneil Serome Foster

- 1 ☒ Defendant - Adult  
 2 ☐ Defendant - Juvenile  
 3 ☐ Appellant  
 4 ☐ Probation Violator  
 5 ☐ Supervised Release Violator  
 6 ☐ Habeas Petitioner  
 7 ☐ 2255 Petitioner  
 8 ☐ Material Witness  
 9 ☐ Other (Specify)

DOCKET NUMBERS

Magistrate Judge

PWB-11-4288

District Court

Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box →)

- ☒ Felony  
☐ Misdemeanor

Drug Conspiracy

## ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

INCOME & ASSETS	EMPLOYMENT	Are you now employed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Self-Employed Name and address of employer: <u>Unisex New York, 25 Atwell Rd, Bowie, MD</u> IF YES, how much do you earn per month? \$ _____ IF NO, give month and year of last employment? _____ How much did you earn per month? \$ <u>1800</u>
		If married, is your spouse employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, how much does your spouse earn per month? \$ _____ If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____
	OTHER INCOME	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No RECEIVED SOURCES IF YES, give the amount \$ _____ received and identify the sources \$ _____
	CASH	Do you have any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, total amount? \$ _____
	PROPERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No VALUE DESCRIPTION IF YES, give value and description for each \$ _____ \$ _____ \$ _____ \$ _____
OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated or Divorced Total No. of Dependents <u>2</u> List persons you actually support and your relationship to them <u>Ashley Foster - daughter</u> <u>Chelsea Foster - daughter</u>
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	DESCRIPTION TOTAL DEBT MONTHLY PAYMENT <u>Rent</u> \$ _____ \$ <u>800</u> \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

I certify under penalty of perjury that the foregoing is true and correct.

[Signature]  
 SIGNATURE OF DEFENDANT  
 (OR PERSON REPRESENTED)

2 22.2012  
 Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

vs.

ONEIL J. FOSTER

Case No. 11-4288PWG

\*\*\*\*\*

ORDER OF DETENTION BY AGREEMENT

A hearing, having been held on this date, at which the defendant was represented by  
\_\_\_\_ Peter Ward, Esq. \_\_\_\_\_, and the Government was represented by  
Assistant United States Attorney \_\_\_\_\_ Constantine Lizas \_\_\_\_\_, it is

**ORDERED**, this 22<sup>nd</sup> day of February 2012, that the  
above-named defendant be, and the same hereby is, DETAINED by agreement of the parties  
without prejudice to either side requesting a prompt hearing to set appropriate conditions of  
release or otherwise address the detention of the defendant.

  
\_\_\_\_\_  
Paul W. Grimm  
United States Magistrate Judge

2/22/2012



UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

V.

CRIMINAL NO: 11-4288PWG

JEROME FOSTER O'NEIL

Defendant

\*\*\*\*\*

ENTRY OF APPEARANCE

MADAM. CLERK:

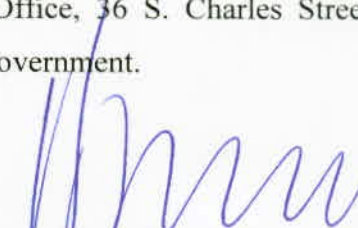
Please enter my appearance in the above-entitled case as Court appointed  
counsel for the Defendant, Jerome Foster O'Neil.



Peter D. Ward  
300 Allegheny Avenue, Suite 105  
Baltimore, MD 21204-4257  
Telephone & Facsimile: 410-494-8988  
Cell. Telephone: 410-499-7406  
E-Mail: Peter.D.Ward@Verizon.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of February, 2012, a copy of the foregoing Entry of Appearance, was hand-delivered by me to: **Constantine Lizas**, Assistant U. S. Attorney, U. S. Attorney's Office, 36 S. Charles Street, 4th Floor, Baltimore, MD 21201-3020., Counsel for the Government.



1. CIR. DIST. DIV. CODE MDX		2. DISTRICT CLERK'S OFFICE FOSTER, ONEIL JEROME		3. MAG. DKT./DEF. NUMBER 1:11-004288-001 PWG		4. DIST. DKT./DEF. NUMBER		5. APPEALS DKT./DEF. NUMBER		6. OTHER DKT. NUMBER	
7. IN CASE/MATTER OF (Case Name) US v. FOSTER		8. PAYMENT CATEGORY Misdemeanor		9. TYPE PERSON REPRESENTED Adult Defendant		10. REPRESENTATION TYPE (See Instructions) Criminal Case					
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense. 1) 21 846=MD.M -- CONSPIRACY TO DISTRIBUTE MARIJUANA											
12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix) AND MAILING ADDRESS WARD, PETER DENNIS Suite 105 300 Allegheny Avenue Towson MD 21204-4257  Telephone Number: (410) 494-8988						13. COURT ORDER <input checked="" type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs For Federal Defender <input type="checkbox"/> R Subs For Retained Attorney <input type="checkbox"/> P Subs For Panel Attorney <input type="checkbox"/> Y Standby Counsel  Prior Attorney's Name: _____ Appointment Date: _____  <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, or <input type="checkbox"/> Other (See Instructions)  Signature of Presiding Judicial Officer or By Order of the Court 02/21/2012 Date of Order Nunc Pro Tunc Date Repayment or partial repayment ordered from the person represented for this service at time of appointment. <input type="checkbox"/> YES <input type="checkbox"/> NO					
CLAIM FOR SERVICES AND EXPENSES						FOR COURT USE ONLY					
CATEGORIES (Attach itemization of services with dates)				HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH ADJUSTED HOURS	MATH/TECH ADJUSTED AMOUNT	ADDITIONAL REVIEW			
In Court	a. Arraignment and/or Plea										
	b. Bail and Detention Hearings										
	c. Motion Hearings										
	d. Trial										
	e. Sentencing Hearings										
	f. Revocation Hearings										
	g. Appeals Court										
	h. Other (Specify on additional sheets)										
(Rate per hour = \$ 125.00 ) TOTALS:											
Out of Court	a. Interviews and Conferences										
	b. Obtaining and reviewing records										
	c. Legal research and brief writing										
	d. Travel time										
	e. Investigative and Other work (Specify on additional sheets)										
(Rate per hour = \$ 125.00 ) TOTALS:											
17. Travel Expenses (lodging, parking, meals, mileage, etc.)											
18. Other Expenses (other than expert, transcripts, etc.)											
GRAND TOTALS (CLAIMED AND ADJUSTED):											
19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM _____ TO _____						20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION			21. CASE DISPOSITION		
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____ <input type="checkbox"/> Supplemental Payment Have you previously applied to the court for compensation and/or reimbursement for this case? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the court, have you, or to your knowledge has anyone else, received payment (compensation or anything or value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney: _____ Date: _____											
APPROVED FOR PAYMENT -- COURT USE ONLY											
23. IN COURT COMP.		24. OUT OF COURT COMP.		25. TRAVEL EXPENSES		26. OTHER EXPENSES		27. TOTAL AMT. APPR / CERT			
28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER						DATE		28a. JUDGE / MAG. JUDGE CODE			
29. IN COURT COMP.		30. OUT OF COURT COMP.		31. TRAVEL EXPENSES		32. OTHER EXPENSES		33. TOTAL AMT. APPROVED			
34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) Payment approved in excess of the statutory threshold amount.						DATE		34a. JUDGE CODE			

**UNITED STATES DISTRICT COURT**

DISTRICT OF ARIZONA  
OFFICE OF THE CLERK

**BRIAN D. KARTH**

DISTRICT COURT EXECUTIVE / CLERK OF COURT  
SANDRA DAY O'CONNOR U. S. COURTHOUSE  
SUITE 130, 401 W. WASHINGTON ST., SPC 1  
PHOENIX, ARIZONA 85003-2118

Visit our website at [www.azd.uscourts.gov](http://www.azd.uscourts.gov)

**DEBRA D. LUCAS**

CHIEF DEPUTY CLERK  
SANDRA DAY O'CONNOR U. S. COURTHOUSE  
SUITE 130, 401 W. WASHINGTON ST., SPC 1  
PHOENIX, ARIZONA 85003-2118

**MICHAEL S. O'BRIEN**

CHIEF DEPUTY CLERK  
EVO A. DECONCINI U.S. COURTHOUSE  
405 W. CONGRESS, SUITE 1500  
TUCSON, ARIZONA 85701-5010

February 10, 2012

Clerk's Office

Maryland District Court

Edward A. Garmatz Federal Building and United States Courthouse

101 West Lombard Street, Room 4415

Baltimore, MD 21201-2605

**SEALED**

FILED

ENTERED

LODGED


RECEIVED

RE: USA v. Oniel Jerome Foster

Your case number: 11-4288 PWG

Arizona case number: 12-00095M-001

FEB 14 2012

AT BALTIMORE  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
BY  DEPUTY

Dear Clerk of the Court:

The above charge originated in your district. The defendant has appeared before Magistrate Judge Michelle H. Burns in Phoenix, Arizona. The following action has been taken.

- ☒ U S MARSHAL HAS BEEN ORDERED TO REMOVE THE DEFENDANT TO THE CHARGING DISTRICT.

You may access electronically filed documents in this case at our ECF/PACER web address <http://ecf.azd.uscourts.gov>. Any documents not available electronically are enclosed in paper format along with a copy of the docket sheet and either the Order to Appear or the Commitment to Another District.

Please acknowledge receipt on the enclosed copy of this letter and return to the Phoenix office.

Sincerely,

BRIAN D. KARTH,  
CLERK OF COURT/DISTRICT COURT EXECUTIVE

By: s/Sherise M. Hargrove

Sherise M. Hargrove  
Deputy Clerk

Enclosures

cc: AUSA, Def Cnsl, PTS

*The staff of the Clerk's Office ensures the effective, efficient and professional delivery of clerical and administrative services, while fostering a customer-friendly and employee-friendly environment.*



**SEALED**

**DOCUMENT**

**NOT A PUBLIC**

**RECORD**

AO 94 (Rev. 06/09) Commitment to Another District

UNITED STATES DISTRICT COURT

for the  
District of Arizona

RECEIVED  
US MARSHALS SERVICE  
DISTRICT - AZ PHOENIX

2012 FEB 10 AM 11:21

United States of America  
v.

Oneil Jerome Foster  
Defendant

SEALED  
Case No. 12-00095M  
Charging District's  
Case No. 11-4288 PWG

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the \_\_\_\_\_ District of \_\_\_\_\_ Maryland \_\_\_\_\_,  
(if applicable) \_\_\_\_\_ division. The defendant may need an interpreter for this language: \_\_\_\_\_  
FILED ENTERED  
LODGED RECEIVED

The defendant: ☐ will retain an attorney.  
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

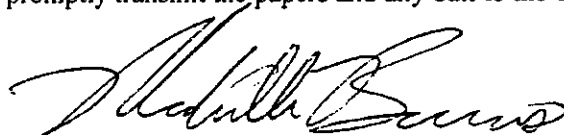
BY

AT BALTIMORE  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
DEPUTY

FEB 14 2012

**IT IS ORDERED:** The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: Feb 9, 2012



Judge's signature

Michelle H. Burns, United States Magistrate Judge

Printed name and title

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)  
CRIMINAL DOCKET FOR CASE #: 2:12-mj-00095-MHB-1 \*SEALED\*  
Internal Use Only**

Case title: USA v. Foster

Date Filed: 02/09/2012

Other court case number: 11-4288 PWG District of  
Maryland

Date Terminated: 02/10/2012

Assigned to: Magistrate Judge Michelle  
H Burns**Defendant (1)****Oneil Jerome Foster**

TERMINATED: 02/10/2012

also known as

Harvey Garvey

TERMINATED: 02/10/2012

also known as

Henry Ortiz

TERMINATED: 02/10/2012

FILED  
00000  
FEB 10 2012  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

represented by **Kristina Lyn Sitton**Federal Public Defenders Office -  
Phoenix

850 W Adams St., Ste. 201

Phoenix, AZ 85007

602-382-2777

Fax: 602-382-2800

Email: kristina\_sitton@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or

Community Defender Appointment

**Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

**Complaints**21:846; Conspiracy to Distribute  
Marijuana**Disposition**



**Plaintiff****USA**represented by **Vincent Quill Kirby**

US Attorneys Office - Phoenix, AZ

2 Renaissance Square

40 N Central Ave., Ste. 1200












Phoenix, AZ 85004-4408

602-514-7500

Fax: 602-514-7650

Email: Vincent.Kirby@usdoj.gov

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/09/2012	 <b>1</b>	Rule 5 arrest warrant from the District of Maryland as to Oneil Jerome Foster. (SMH) (Entered: 02/09/2012)
02/09/2012	  <b>2</b>	(Court only) Case sealed as to Oneil Jerome Foster (MAP) (Pursuant to Doc. 1 ) (Entered: 02/10/2012)
02/09/2012	  <b>2</b>	*SEALED* Minute Entry for proceedings held before Magistrate Judge Michelle H Burns: Initial Appearance in Rule 5(c)(3) Proceedings as to Oneil Jerome Foster held on 2/9/2012. FINANCIAL AFFIDAVIT TAKEN. Appointment of Counsel Hearing held. Appointing Kristina Lyn Sitton (AFPD). Rule 5(c)(3) Identity Hearing Waived. Warrant of Removal Issued. (Recorded by COURTSMART.) (cc: AUSA/Dft's Cnsl/PTS/USMS) (MAP) (Entered: 02/10/2012)
02/09/2012	  <b>3</b>	(Court only) CJA 23 Financial Affidavit by Oneil Jerome Foster (MAP) (Entered: 02/10/2012)
02/09/2012	 <b>4</b>	WAIVER of Rule 5 & 5.1 Hearings by Oneil Jerome Foster (cc: AUSA/Dft's Cnsl) (MAP) (Entered: 02/10/2012)
02/10/2012	 <b>5</b>	COMMITMENT TO ANOTHER DISTRICT as to Oneil Jerome Foster. Defendant Committed to District of Maryland. Signed by Magistrate Judge Michelle H Burns on 2/9/12. (cc: AUSA/Dft's Cnsl) (MAP) (Entered: 02/10/2012)
02/10/2012	  <b>5</b>	(Court only) ***Terminated defendant Oneil Jerome Foster, pending deadlines, and motions., ***Complaint counts moved to P99 Oneil Jerome Foster (1) Count Complaint., ***Set/Clear Flags as to Oneil Jerome Foster (MAP) (Entered: 02/10/2012)

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)**

**CRIMINAL DOCKET FOR CASE #: 2:12-mj-00095-MHB-1 \*SEALED\***  
**Internal Use Only**

Case title: USA v. Foster  
Other court case number: 11-4288 PWG District of  
Maryland

Date Filed: 02/09/2012  
Date Terminated: 02/10/2012

Assigned to: Magistrate Judge Michelle  
H Burns

**Defendant (1)**

**Oneil Jerome Foster**  
*TERMINATED: 02/10/2012*  
*also known as*  
**Harvey Garvey**  
*TERMINATED: 02/10/2012*  
*also known as*  
**Henry Ortiz**  
*TERMINATED: 02/10/2012*

represented by **Kristina Lyn Sitton**  
Federal Public Defenders Office -  
Phoenix  
850 W Adams St., Ste. 201  
Phoenix, AZ 85007  
602-382-2777  
Fax: 602-382-2800  
Email: kristina\_sitton@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or  
Community Defender Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

21:846; Conspiracy to Distribute  
Marijuana












**Disposition**

**Plaintiff**

USA

represented by **Vincent Quill Kirby**

US Attorneys Office - Phoenix, AZ  
 2 Renaissance Square  
 40 N Central Ave., Ste. 1200  
 Phoenix, AZ 85004-4408  
 602-514-7500  
 Fax: 602-514-7650  
 Email: Vincent.Kirby@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Select all / clear	Docket Text
02/09/2012	 1	<input type="checkbox"/>	Rule 5 arrest warrant from the District of Maryland as to Oneil Jerome Foster. (SMH) (Entered: 02/09/2012)
02/09/2012	 		(Court only) Case sealed as to Oneil Jerome Foster (MAP) (Pursuant to Doc. 1 ) (Entered: 02/10/2012)
02/09/2012	  2	<input checked="" type="checkbox"/>	*SEALED* Minute Entry for proceedings held before Magistrate Judge Michelle H Burns: Initial Appearance in Rule 5(c)(3) Proceedings as to Oneil Jerome Foster held on 2/9/2012. FINANCIAL AFFIDAVIT TAKEN. Appointment of Counsel Hearing held. Appointing Kristina Lyn Sitori (AFPD). Rule 5(c)(3) Identity Hearing Waived. Warrant of Removal Issued. (Recorded by COURTSMAART.) (cc: AUSA/Dft's Cnsl/PTS/USMS) (MAP) (Entered: 02/10/2012)
02/09/2012	  3	<input checked="" type="checkbox"/>	(Court only) CJA 23 Financial Affidavit by Oneil Jerome Foster (MAP) (Entered: 02/10/2012)
02/09/2012	 4	<input checked="" type="checkbox"/>	WAIVER of Rule 5 & 5.1 Hearings by Oneil Jerome Foster (cc: AUSA/Dft's Cnsl) (MAP) (Entered: 02/10/2012)
02/10/2012	 5	<input checked="" type="checkbox"/>	COMMITMENT TO ANOTHER DISTRICT as to Oneil Jerome Foster. Defendant Committed to District of Maryland. Signed by Magistrate Judge Michelle H Burns on 2/9/12. (cc: AUSA/Dft's Cnsl) (MAP) (Entered: 02/10/2012)
02/10/2012	 		(Court only) ***Terminated defendant Oneil Jerome Foster, pending deadlines, and motions., ***Complaint counts moved to P99 Oneil Jerome Foster (1) Count Complaint., ***Set/Clear Flags as to Oneil Jerome Foster (MAP) (Entered: 02/10/2012)

View Selected

or

Download Selected

I hereby attest and certify on 02/27/12  
 that the foregoing document is a full, true and correct  
 copy of the original on file in my office and in my custody.

CLERK U.S. DISTRICT COURT  
 DISTRICT OF ARIZONA

By 



SEALED

AO 466A (Rev. 12/09) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
FEB 09 2012	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY _____

UNITED STATES DISTRICT COURT  
for the

United States of America

v.

Oneil Foster

Defendant

Case No. 12-095M

Charging District's Case No. 11-4288-PWG

WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court)

District of Maryland

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

2/9/2012

O Foster

Defendant's signature

Kristina Sitten

Signature of defendant's attorney

Kristina Sitten

Printed name of defendant's attorney

I hereby attest and certify on 2-10-12  
that the foregoing document is a full, true and correct  
copy of the original on file in my office and in my custody.

cc: AUSA / Det C-1

CLERK U.S. DISTRICT COURT  
DISTRICT OF ARIZONA  
USCA4

By

S. Hargrave

# FINANCIAL AFFIDAVIT

CJA 23  
(Rev. 5/98)

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES ☐ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)  
IN THE CASE OF

LOCATION NUMBER

FOR

*Arizona*

LODGED

AT

RECEIVED

COPY

PERSON REPRESENTED (Show your full name)

*Oneil Foster*

FEB 9 2012

CLERK U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

BY

1. Defendant - Adult

2. Defendant - Juvenile

3. Probation Violator

4. Probation Violator

5. Habeas Petitioner

6. Habeas Petitioner

7. 2255 Petitioner

8. Material Witness

9. Other (Specify)

DOCKET NUMBERS

Magistrate

*12-095M*

District Court

Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box →) ☐ Felony ☐ Misdemeanor

*Conspiracy to PWID Marijuana*

FILED

LODGED

ENTERED

RECEIVED

EMPLOYMENT

Are you now employed? ☐ Yes ☒ No ☐ Am Self Employed

Name and address of employer:

BY

AT BALTIMORE  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

IF YES, how much do you  
earn per month? \$

IF NO, give month and year of last employment  
How much did you earn per month? \$

If married is your Spouse employed? ☐ Yes ☐ No

IF YES, how much does your  
Spouse earn per month? \$

If a minor under age 21, what is your Parents or  
Guardian's approximate monthly income? \$

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ No

IF YES, GIVE THE AMOUNT

RECEIVED & IDENTIFY \$

THE SOURCES

CASH

Have you any cash on hand or money in savings or checking account ☐ Yes ☒ No IF YES, state total amount \$

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No

VALUE

DESCRIPTION

IF YES, GIVE THE VALUE AND \$  
DESCRIBE IT

DEPENDENTS

MARITAL STATUS

☒ SINGLE

☐ MARRIED

☐ WIDOWED

☐ SEPARATED OR  
DIVORCED

Total  
No. of  
Dependents  
*2*

List persons you actually support and your relationship to them

*Chelsea*

*Ashley*

DEBTS &  
MONTHLY  
BILLS

(LIST ALL CREDITORS,  
INCLUDING BANKS,  
LOAN COMPANIES,  
CHARGE ACCOUNTS,  
ETC.)

APARTMENT  
OR HOME:

Creditors

Total Debt

Monthly Payt.

*Child support*

\$

\$

\$

\$

\$

\$

\$

\$

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date)

*Feb. 9, 2012*

SIGNATURE OF DEFENDANT  
(OR PERSON REPRESENTED)

*O Foster*

By S. H. Thompson 48 USCA4



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ONEIL JEROME FOSTER

Defendant

\*  
\*  
\*  
\*  
\*  
\*  
\*

CRIMINAL COMPLAINT

CASE NUMBER: 11-4288-PWG

UNDER SEAL

\*\*\*\*\*

CONSENT MOTION TO CONTINUE PRELIMINARY HEARING

The United States of America, by and through its counsel, Rod J. Rosenstein, United States Attorney for the District of Maryland, and Constantine Lizas, Special Assistant United States Attorney for said district, respectfully submits this Consent Motion to Continue the Preliminary Hearing:

1. On October 4, 2011, a criminal complaint was filed charging the defendant with one count of conspiracy to distribute marijuana in violation of 21 U.S.C. § 846.
2. The Defendant had an initial hearing in the District of Arizona on February 9, 2012, and was subsequently transported to this district.
3. On February 22, 2012, the defendant had an initial appearance in the District of Maryland where he was represented by Peter D. Ward, Esquire. At that time, the defendant did not object to the Government's request that he be detained in light of an existing immigration detainer.
4. Counsel for the Government subsequently contacted the defendant's counsel who consented to a continuance of the preliminary hearing for two weeks and to exclude time under the Speedy Trial Act.
5. Counsel for each party is available on the afternoon of March 22, 2012, at a time

convenient with the Court.

Accordingly, the Government, respectfully request that the preliminary hearing set for March 7, 2012, be continued until March 22, 2012, and that the Court exclude time from March 7, 2012, until March 22, 2012, pursuant to the Speedy Trial Act.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

By: *Constantine Lizas*  
Constantine Lizas  
Special Assistant United States Attorney

cc: Peter D. Ward

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ONEIL JEROME FOSTER

Defendant

\* CRIMINAL COMPLAINT  
\*  
\*  
\* CASE NUMBER: 11-4288-PWG  
\*  
\* UNDER SEAL  
\*

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ORDER

Upon consideration of the Government's Motion to Continue the Preliminary Hearing,\*  
and for good cause shown, it is this 28<sup>th</sup> day of February, 2012, ORDERED as follows:

1. That the preliminary hearing is rescheduled for the 22<sup>d</sup> day of March, 2012 at  
NOON.
2. That time under the Speedy Trial Act is excluded from March 7, 2012 until the  
22<sup>d</sup> day of March, 2012.

  
\_\_\_\_\_  
PAUL W. GRIMM  
UNITED STATES MAGISTRATE JUDGE

\* To which the defendant did not object.



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ONEIL JEROME FOSTER

Defendant

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CRIMINAL COMPLAINT

CASE NUMBER: 11-4288-PWG

UNDER SEAL

\*\*\*\*\*

CONSENT MOTION TO CONTINUE PRELIMINARY HEARING

The United States of America, by and through its counsel, Rod J. Rosenstein, United States Attorney for the District of Maryland, and Constantine Lizas, Special Assistant United States Attorney for said district, respectfully submits this Consent Motion to Continue the Preliminary Hearing:

1. On October 4, 2011, a criminal complaint was filed charging the defendant with one count of conspiracy to distribute marijuana in violation of 21 U.S.C. § 846.
2. On February 22, 2012, the defendant had an initial appearance in the District of Maryland where he was represented by Peter D. Ward, Esquire.
3. The first Preliminary Hearing was scheduled for March 7, 2012, and the Court continued that hearing until March 22, 2012 pursuant to a consent motion filed by the Government.
4. The parties are involved in pre- Indictment plea negotiations.
5. Defendant's counsel consents to a continuance of the Preliminary Hearing set for March 22, 2012 for two additional weeks and to exclude time under the Speedy Trial Act.
6. Counsel for each party is available on the afternoon of April 5, 2012, at a time convenient with the Court.

Accordingly, the Government, respectfully request that the preliminary hearing set for March 22, 2012, be continued until April 5, 2012, and that the Court exclude time from March 22, 2012, until April 5, 2012, pursuant to the Speedy Trial Act.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

By: Constantine Lizas by SLC  
Constantine Lizas  
Special Assistant United States Attorney

cc: Peter D. Ward

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ONEIL JEROME FOSTER

Defendant

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CRIMINAL COMPLAINT

CASE NUMBER: 11-4288-PWG

UNDER SEAL

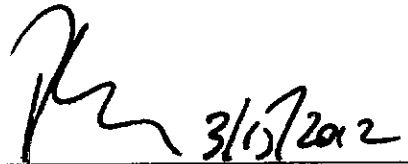
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ORDER

Upon consideration of the Government's Motion to Continue the Preliminary Hearing consented to by the Defendant, and for good cause shown, it is this 15<sup>th</sup> day of March, 2012,

ORDERED as follows:

1. That the preliminary hearing is rescheduled for the 5<sup>th</sup> day of April, 2012, at 12:00 PM.
2. That time under the Speedy Trial Act is excluded from March 22, 2012 until the 5<sup>th</sup> day of April, 2012.

 3/15/2012

PAUL W. GRIMM  
UNITED STATES MAGISTRATE JUDGE



FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
RECEIVED  
U.S. MARSHALS  
BALTIMORE

UNITED STATES OF AMERICA 2012 MAR 7 PM 3:51

v.

CLERK'S OFFICE  
AT BALTIMORE

2011 OCT 11 P 3:20

WARRANT FOR ARREST

BY  
ONEIL JEROME FOSTER DEPUTY  
a/k/a HARVEY GARVEY  
a/k/a HENRY ORTIZ

CASE NUMBER: 11 4288 PWG

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED TO ARREST ONEIL JEROME FOSTER, A/K/A  
HARVEY GARVEY, A/K/A HENRY ORTIZ and bring her forthwith to the nearest magistrate  
to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

SEE ATTACHED AFFIDAVIT

In violation of Title 18 United States Code, Section 846.

Paul W. Grimm  
Name of Issuing Officer

United States Magistrate Judge  
Title of issuing Officer

Signature of Issuing Officer

Date and Location

Baltimore, Maryland

(By) Deputy Clerk

Bail Fixed at \$ \_\_\_\_\_ by Paul W. Grimm  
Name of Judicial Officer

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at _____ BALTIMORE, MD		
DATE RECEIVED 10/11/2011	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER KW FOR ATF
DATE OF ARREST 02/21/2012		

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

**v.**

**ONEIL JEROME FOSTER**

**Defendant**

**\* CRIMINAL COMPLAINT**  
**\***  
**\***  
**\* CASE NUMBER: 11-4288-PWG**  
**\***  
**\* UNDER SEAL**  
**\***

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**CONSENT MOTION TO CONTINUE PRELIMINARY HEARING**

The United States of America, by and through its counsel, Rod J. Rosenstein, United States Attorney for the District of Maryland, and Constantine Lizas, Special Assistant United States Attorney for said district, respectfully submits this Consent Motion to Continue the Preliminary Hearing:

1. On October 4, 2011, a criminal complaint was filed charging the defendant with one count of conspiracy to distribute marijuana in violation of 21 U.S.C. § 846.
2. On February 22, 2012, the defendant had an initial appearance in the District of Maryland where he was represented by Peter D. Ward, Esquire.
3. The first Preliminary Hearing was scheduled for March 7, 2012, and the Court continued that hearing until March 22, 2012 pursuant to a consent motion filed by the Government. The second Preliminary Hearing was scheduled for March 22, 2012, and the Court continued that hearing until April 5, 2012 pursuant to a consent motion filed by the Government
4. The parties were involved in pre- Indictment plea negotiations.
5. On March 29, 2012, Peter D. Ward withdrew from the case.
6. Defendant's new counsel, Andrew White, was appointed on March 30, 2012.

7. On behalf of the defendant, Mr. White consents to a continuance of the Preliminary Hearing set for April 5, 2012 for four additional weeks and to exclude time under the Speedy Trial Act.

8. The parties continue to be involved in pre- Indictment plea negotiations.

9. Counsel for each party is available on the afternoon of May 3, 2012, at a time convenient with the Court.

Accordingly, the Government, respectfully request that the preliminary hearing set for April 5, 2012, be continued until May 3, 2012, and that the Court exclude time from April 5, 2012, until May 3, 2012, pursuant to the Speedy Trial Act.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

By:



Constantine Lizas  
Special Assistant United States Attorney

cc: Andrew White



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ONEIL JEROME FOSTER

Defendant

\* CRIMINAL COMPLAINT

\*

\*

\*

CASE NUMBER: 11-4288-PWG

\*

\*

UNDER SEAL

\*

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ORDER

Upon consideration of the Government's Motion to Continue the Preliminary Hearing consented to by the Defendant, and for good cause shown, it is this 4<sup>th</sup> day of April, 2012,

ORDERED as follows:

1. That the preliminary hearing is rescheduled for the 3<sup>rd</sup> day of May, 2012.
2. That time under the Speedy Trial Act is excluded from April 5, 2012 until the 3<sup>rd</sup> day of May, 2012.

  
PAUL W. GRIMM *Stephanie A. Gallagher*  
UNITED STATES MAGISTRATE JUDGE

1. CIR./DIST./DC. NO. MDX		2. DISTRICT CLERK'S NAME FOSTER, ONEIL JEROME		3. MAG. DKT./DEF. NUMBER 1:11-004288-001 PWG		4. DIST. DKT./DEF. NUMBER		5. APPEALS DKT./DEF. NUMBER		6. OTHER DKT. NUMBER	
7. IN CASE/MATTER OF (Case Name) US v. FOSTER		8. PAYMENT CATEGORY Misdemeanor		9. TYPE PERSON REPRESENTED Adult Defendant		10. REPRESENTATION TYPE (See Instructions) Criminal Case					
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense. 1) 21 846=MD.M -- CONSPIRACY TO DISTRIBUTE MARIJUANA											
12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix) AND MAILING ADDRESS WHITE, ANDREW CLAYTON Suite 2600 201 North Charles Street Baltimore MD 21201  Telephone Number: (410) 576-2200						13. COURT ORDER <input type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs For Federal Defender <input type="checkbox"/> R Subs For Retained Attorney <input checked="" type="checkbox"/> P Subs For Panel Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Name: <u>WARD, PETER DENNIS</u> Appointment Date: <u>02/21/2012</u> <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, or <input type="checkbox"/> Other (See Instructions) Signature of Presiding Judicial Officer or By Order of the Court <u>03/29/2012</u> Date of Order      Nunc Pro Tunc Date Repayment or partial repayment ordered from the person represented for this service at time of appointment. <input type="checkbox"/> YES <input type="checkbox"/> NO					
14. NAME AND MAILING ADDRESS OF LAW FIRM (only provide per instructions) SILVERMAN, THOMPSON AND WHITE 201 North Charles Street Suite 2600 Baltimore MD 21201											
CLAIM FOR SERVICES AND EXPENSES						FOR COURT USE ONLY					
CATEGORIES (Attach itemization of services with dates)				HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH ADJUSTED HOURS	MATH/TECH ADJUSTED AMOUNT	ADDITIONAL REVIEW			
In Court	15. a. Arraignment and/or Plea										
	b. Bail and Detention Hearings										
	c. Motion Hearings										
	d. Trial										
	e. Sentencing Hearings										
	f. Revocation Hearings										
	g. Appeals Court										
	h. Other (Specify on additional sheets)										
	(Rate per hour = \$ 125.00 ) TOTALS:										
Out of Court	16. a. Interviews and Conferences										
	b. Obtaining and reviewing records										
	c. Legal research and brief writing										
	d. Travel time										
	e. Investigative and Other work (Specify on additional sheets)										
(Rate per hour = \$ 125.00 ) TOTALS:											
17. Travel Expenses (lodging, parking, meals, mileage, etc.)											
18. Other Expenses (other than expert, transcripts, etc.)											
GRAND TOTALS (CLAIMED AND ADJUSTED):											
19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM _____ TO _____						20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION		21. CASE DISPOSITION			
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____ <input type="checkbox"/> Supplemental Payment Have you previously applied to the court for compensation and/or reimbursement for this case? <input type="checkbox"/> YES <input type="checkbox"/> NO      If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the court, have you, or to your knowledge has anyone else, received payment (compensation or anything or value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO      If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney: _____ Date: _____											
APPROVED FOR PAYMENT -- COURT USE ONLY											
23. IN COURT COMP.		24. OUT OF COURT COMP.		25. TRAVEL EXPENSES		26. OTHER EXPENSES		27. TOTAL AMT. APPR / CERT			
28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER						DATE		28a. JUDGE / MAG. JUDGE CODE			
29. IN COURT COMP.		30. OUT OF COURT COMP.		31. TRAVEL EXPENSES		32. OTHER EXPENSES		33. TOTAL AMT. APPROVED			
34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) Payment approved in excess of the statutory threshold amount.						DATE		34a. JUDGE CODE			

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ONEIL JEROME FOSTER

Defendant

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CRIMINAL COMPLAINT

CASE NUMBER: 11-4288-PWG

UNDER SEAL

\*\*\*\*\*

CONSENT MOTION TO CONTINUE PRELIMINARY HEARING

The United States of America, by and through its counsel, Rod J. Rosenstein, United States Attorney for the District of Maryland, and Constantine Lizas, Special Assistant United States Attorney for said district, respectfully submits this Consent Motion to Continue the Preliminary Hearing:

1. On October 4, 2011, a criminal complaint was filed charging the Defendant with one count of conspiracy to distribute marijuana in violation of 21 U.S.C. § 846.
2. A Preliminary Hearing is currently scheduled for May 3, 2012.
3. The parties are involved in continuing pre- Indictment plea negotiations.
4. Defendant's counsel, Andrew White, consents to a continuance of the Preliminary Hearing set for May 3, 2012 for four additional weeks and to exclude time under the Speedy Trial Act.
5. Counsel for each party is available on the afternoon of May 31, 2012, at a time convenient with the Court.

Accordingly, the Government, respectfully requests that the Preliminary Hearing set for May 3, 2012, be continued until May 31, 2012, and that the Court exclude time from May 3, 2012, until

May 31, 2012, pursuant to the Speedy Trial Act.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

By: *Constant 2*  
Constantine Lizas  
Special Assistant United States Attorney

cc: Andrew White



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ONEIL JEROME FOSTER

Defendant

\*  
\*  
\* CASE NUMBER: 11-428-PWG  
\*  
\* UNDER SEAL  
\*  
\*  
\* \* \* \* \*

ORDER

Upon consideration of the Government's Motion to Continue the Preliminary Hearing consented to by the Defendant, and for good cause shown, it is this 15<sup>th</sup> day of May, 2012, ORDERED as follows:

1. That the Preliminary Hearing is rescheduled from May 3, 2012 to May 31, 2012. *at 12:00 Noon.*
2. That time under the Speedy Trial Act is excluded from May 3, 2012 until May 31, 2012.

5-1-12  
Date

*Beth L...*  
Honorable ~~Paul W. Grimm~~  
United States Magistrate Judge

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

V.

CRIMINAL NO: 11-4288PWG

ONEIL JEROME FOSTER

Defendant

\*\*\*\*\*

MOTION TO SEAL

Peter D. Ward, appointed counsel (hereafter "Counsel") moves seal his Motion To Withdraw his appearance as appointed counsel for Oneil Jerome Foster (hereafter "the Defendant"), and says:

1. Counsel was appointed under the Criminal Justice Act on February 21, 2012, to represent the Defendant.
2. Counsel now wishes to move to withdraw his appearance as counsel for the Defendant.
3. This case is Sealed.

WHEREFORE, Counsel moves that this Motion and Order, and his Motion to Withdraw his Appearance as Counsel for Oneil Jerome Foster and Order thereon, be sealed

Respectfully submitted

/S/ Peter D. Ward

---

Peter D. Ward  
300 Allegheny Avenue, Suite 105  
Baltimore, MD 21204-4257  
Telephone & Facsimile: 410-494-8988

Cell. Telephone: 410-499-7406  
E-Mail: Peter.D.Ward@Verizon.net

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 5th day of May, 2012, a copy of the foregoing Motion to Seal and proposed Order thereon, was electronically transmitted to: **Constantine Lizas**, Assistant U. S. Attorney, U. S. Attorney's Office, 36 S. Charles Street, 4th Floor, Baltimore, MD 21201-3020., Counsel for the Government, and was mailed by first class mail, postage prepaid, to:

Oneil J. Foster  
Chesapeake Detention Facility  
401 E. Madison Street  
Baltimore, MD 21202

/S/ Peter D. Ward

---

Peter D. Ward

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

V.

CRIMINAL NO: 11-4288PWG

ONEIL JEROME FOSTER

Defendant

\*\*\*\*\*

ORDER

Having received and considered the Motion of Peter D. Ward, appointed counsel for the Defendant, that his Motion to Seal, this Order, his Motion To Withdraw Appearance, and the Order granting his Motion to Withdraw, be filed under seal, it is this \_\_\_\_ day of \_\_\_\_\_, 2012, by the United States District Court for the District of Maryland ORDERED,

that the Motion to Seal, this Order, the Motion to Withdraw Appearance of Peter D. Ward, and the Order thereon, be, and it is hereby GRANTED.



UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

V.

CRIMINAL NO: 11-4288PWG

ONEIL JEROME FOSTER

Defendant

\*\*\*\*\*

**MOTION TO WITHDRAW APPEARANCE**

Peter D. Ward, appointed counsel (hereafter "Counsel") moves to withdraw his appearance for Oneil Jerome Foster (hereafter "the Defendant"), and says:

1. Counsel was appointed under the Criminal Justice Act on February 21, 2012, to represent the Defendant.

2. The Defendant's response towards Counsel was guarded at the outset, and their professional relationship has now deteriorated to the point where Counsel find he cannot function effectively as Defendant's attorney.

WHEREFORE, Counsel moves to withdraw his appearance in this case as appointed counsel for Oneil Jerome Foster.

Respectfully submitted

/S/ Peter D. Ward

---

Peter D. Ward  
300 Allegheny Avenue, Suite 105  
Baltimore, MD 21204-4257  
Telephone & Facsimile: 410-494-8988  
Cell. Telephone: 410-499-7406  
E-Mail: Peter.D.Ward@Verizon.net

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 5th day of May, 2012, a copy of the foregoing Motion to Withdraw of Appearance, was electronically transmitted to: **Constantine Lizas**, Assistant U. S. Attorney, U. S. Attorney's Office, 36 S. Charles Street, 4th Floor, Baltimore, MD 21201-3020., Counsel for the Government, and was mailed by First Class mail, postage pre-paid, to:

Oneil J. Foster  
Chesapeake Detention Facility  
401 E. Madison Street  
Baltimore, MD 21202

/S/ Peter D. Ward

\_\_\_\_\_  
Peter D. Ward

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

V.

CRIMINAL NO: 11-4288PWG

ONEIL JEROME FOSTER

Defendant

\*\*\*\*\*

ORDER

Having read and considered the Motion of Peter D. Ward to withdraw his appearance as appointed counsel for Oneil Jerome Foster, it is this \_\_\_\_\_ day of May, 2012, by the United States District Court for the District of Maryland

ORDERED, that the Motion be, and it is hereby GRANTED.

\_\_\_\_\_

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

V.

CRIMINAL NO: 11-4288PWG

ONEIL JEROME FOSTER

Defendant

\*\*\*\*\*

MOTION TO SEAL

Peter D. Ward, appointed counsel (hereafter "Counsel") moves seal his Motion To Withdraw his appearance as appointed counsel for Oneil Jerome Foster (hereafter "the Defendant"), and says:

1. Counsel was appointed under the Criminal Justice Act on February 21, 2012, to represent the Defendant.

2. Counsel now wishes to move to withdraw his appearance as counsel for the Defendant.

3. This case is Sealed.

WHEREFORE, Counsel moves that this Motion and Order, and his Motion to Withdraw his Appearance as Counsel for Oneil Jerome Foster and Order thereon, be sealed

Respectfully submitted

/S/ Peter D. Ward

Peter D. Ward  
300 Allegheny Avenue, Suite 105  
Baltimore, MD 21204-4257  
Telephone & Facsimile: 410-494-8988

*Trantach.*  
*USCA4*  
*5/16/2012*

CJAFosterOneilJMotToSeal



UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

V.

CRIMINAL NO: 11-4288PWG

ONEIL JEROME FOSTER

Defendant

\*\*\*\*\*

MOTION TO SEAL

Peter D. Ward, appointed counsel (hereafter "Counsel") moves seal his Motion To Withdraw his appearance as appointed counsel for Oneil Jerome Foster (hereafter "the Defendant"), and says:

1. Counsel was appointed under the Criminal Justice Act on February 21, 2012, to represent the Defendant.

2. Counsel now wishes to move to withdraw his appearance as counsel for the Defendant.

3. This case is Sealed.

WHEREFORE, Counsel moves that this Motion and Order, and his Motion to Withdraw his Appearance as Counsel for Oneil Jerome Foster and Order thereon, be sealed

Respectfully submitted

/S/ Peter D. Ward

Peter D. Ward  
300 Allegheny Avenue, Suite 105  
Baltimore, MD 21204-4257  
Telephone & Facsimile: 410-494-8988

*Trantach.*  
*USCA4*  
*5/16/2012*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

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CRIMINAL COMPLAINT

2012 MAY 30 P 12:39

CLERK'S OFFICE  
FBI

v.

CASE NUMBER: 11-4288-PWG

ONEIL JEROME FOSTER

Defendant

UNDER SEAL

\*\*\*\*\*

CONSENT MOTION TO CONTINUE PRELIMINARY HEARING

The United States of America, by and through its counsel, Rod J. Rosenstein, United States Attorney for the District of Maryland, and Constantine Lizas, Special Assistant United States Attorney for said district, respectfully submits this Consent Motion to Continue the Preliminary Hearing:

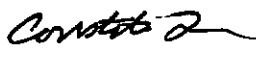
1. On October 4, 2011, a criminal complaint was filed charging the Defendant with one count of conspiracy to distribute marijuana in violation of 21 U.S.C. § 846.
2. A Preliminary Hearing is currently scheduled for May 31, 2012.
3. The parties are involved in continuing pre- Indictment plea negotiations.
4. Defendant's counsel, Andrew White, consents to a continuance of the Preliminary Hearing set for May 31, 2012 for four additional weeks and to exclude time under the Speedy Trial Act.
5. Counsel for each party is available on the afternoon of June 28, 2012, at a time convenient with the Court.

Accordingly, the Government, respectfully requests that the Preliminary Hearing set for May 31, 2012, be continued until June 28, 2012, and that the Court exclude time from May 31, 2012, until

June 28, 2012, pursuant to the Speedy Trial Act.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

By:   
Constantine Lizas  
Special Assistant United States Attorney

cc: Andrew White

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ONEIL JEROME FOSTER

Defendant

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CRIMINAL COMPLAINT

CASE NUMBER: 11-4288-PWG

UNDER SEAL

\*\*\*\*\*

ORDER

Upon consideration of the Government's Motion to Continue the Preliminary Hearing  
consented to by the Defendant, and for good cause shown, it is this 30<sup>TH</sup> day of May, 2012,

ORDERED as follows:

1. That the Preliminary Hearing is rescheduled from May 31, 2012, to June 28, 2012. *at 12:00 p.m.*
2. That time under the Speedy Trial Act is excluded from May 31, 2012, until  
June 28, 2012.

  
BETH P. GESNER  
UNITED STATES MAGISTRATE JUDGE



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ONEIL JEROME FOSTER

Defendant

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CRIMINAL COMPLAINT

CASE NUMBER: 11-4288-PWG

UNDER SEAL

\*\*\*\*\*

CONSENT MOTION TO CONTINUE PRELIMINARY HEARING

The United States of America, by and through its counsel, Rod J. Rosenstein, United States Attorney for the District of Maryland, and Constantine Lizas, Special Assistant United States Attorney for said district, respectfully submits this Consent Motion to Continue the Preliminary Hearing:

1. On October 4, 2011, a criminal complaint was filed charging the Defendant with one count of conspiracy to distribute marijuana in violation of 21 U.S.C. § 846.
2. A Preliminary Hearing is currently scheduled for June 28, 2012.
3. The parties are involved in continuing pre- Indictment plea negotiations and the defendant is continuing to cooperate.
4. Defendant's counsel, Andrew White, consents to a continuance of the Preliminary Hearing set for June 28, 2012 for four additional weeks and to exclude time under the Speedy Trial Act.
5. Counsel for each party is available on the afternoon of July 26, 2012, at a time convenient with the Court.

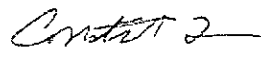
Accordingly, the Government, respectfully requests that the Preliminary Hearing set for June

28. 2012, be continued until July 26, 2012, and that the Court exclude time from June 28, 2012, until July 26, 2012, pursuant to the Speedy Trial Act.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

By:

  
Constantine Lizas  
Special Assistant United States Attorney

cc: Andrew White

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ONEIL JEROME FOSTER

Defendant

\* CRIMINAL COMPLAINT

\* CASE NUMBER: 11-4288-PWG

\* UNDER SEAL

\*\*\*\*\*

ORDER

Upon consideration of the Government's Motion to Continue the Preliminary Hearing  
consented to by the Defendant, and for good cause shown, it is this 28 day of June, 2012,

ORDERED as follows:

1. That the Preliminary Hearing is rescheduled from June 28, 2012, to July 26, 2012.
2. That time under the Speedy Trial Act is excluded from June 28, 2012, until  
July 26, 2012. *at 12:00 noon.*

  
SUSAN K. GAUVEY  
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ONEIL JEROME FOSTER

Defendant

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CRIMINAL COMPLAINT

CASE NUMBER: 11-4288-PWG

UNDER SEAL

\*\*\*\*\*

CONSENT MOTION TO CONTINUE PRELIMINARY HEARING

The United States of America, by and through its counsel, Rod J. Rosenstein, United States Attorney for the District of Maryland, and Constantine Lizas, Special Assistant United States Attorney for said district, respectfully submits this Consent Motion to Continue the Preliminary Hearing:

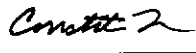
1. On October 4, 2011, a criminal complaint was filed charging the Defendant with one count of conspiracy to distribute marijuana in violation of 21 U.S.C. § 846.
2. A Preliminary Hearing is currently scheduled for June 28, 2012.
3. The parties are involved in continuing pre- Indictment plea negotiations and the defendant is continuing to cooperate. The parties expect that a plea agreement will be reached within the next four weeks.
4. Defendant's counsel, Andrew White, consents to a continuance of the Preliminary Hearing set for July 26, 2012 for four additional weeks and to exclude time under the Speedy Trial Act.
5. Counsel for each party is available on the afternoon of August 23, 2012, at a time convenient with the Court.



Accordingly, the Government, respectfully requests that the Preliminary Hearing set for July 26, 2012, be continued until August 23, 2012, and that the Court exclude time from July 26, 2012, until August 23, 2012, pursuant to the Speedy Trial Act.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

By:   
Constantine Lizas  
Special Assistant United States Attorney

cc: Andrew White

FILED  
U.S. DISTRICT COURT  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

2012 JUL 26 PM 4:13  
UNITED STATES OF AMERICA CRIMINAL COMPLAINT

v.

ONEIL JEROME FOSTER

Defendant

CLERK'S OFFICE  
AT BALTIMORE

CASE NUMBER: 11-4288-PWG

BY: \* CLERK

UNDER SEAL

\*\*\*\*\*

ORDER

Upon consideration of the Government's Motion to Continue the Preliminary Hearing  
consented to by the Defendant, and for good cause shown, it is this 25 day of July, 2012,

ORDERED as follows:

1. That the Preliminary Hearing is rescheduled from July 26, 2012, to August 23, 2012.
2. That time under the Speedy Trial Act is excluded from July 26, 2012, until August 23, 2012.
3. That the Clerk of the Court shall provide the United State's Attorney's Office with a copy of the Order and Motion.

  
STEPHANIE A. GALLAGHER  
UNITED STATES MAGISTRATE JUDGE